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PATRIOT SCIENTIFIC CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ACER, INC., ACER AMERICA  
CORPORATION AND GATEWAY, INC.,

Plaintiffs,

v.

TECHNOLOGY PROPERTIES LIMITED,  
PATRIOT SCIENTIFIC CORPORATION,  
and ALLIACENSE LIMITED,

Defendants.

Case No. 5:08-CV-00877 JF

**STIPULATION AND [PROPOSED]  
AMENDED SCHEDULING ORDER**

**WHEREAS** on February 22, 2010 this Court entered an Order Following Case Management Conference (D.I. 148) establishing a schedule for this action ("Scheduling Order");

**WHEREAS** on February 26, 2010, the case styled *Sirius XM Radio v. Technology Properties Limited et al*, Case No. C10-00816 EDL (N.D. Cal.) ("Sirius Action") was transferred to the Northern District of California from the Southern District of New York;

**WHEREAS** the Sirius Action involves all of the patents in this action;

**WHEREAS** the parties in the Sirius Action have filed a joint motion under Civil Local Rule 3-12 to consider Whether Cases Should Be Related and Requesting Modification of Existing Case Schedule (“Motion”), seeking to have the Sirius Action deemed related to this action and assigned to the Honorable Jeremy Fogel for further proceedings;

**WHEREAS** the Motion also seeks entry of a proposed schedule similar to the one adopted in the Scheduling Order, but with the dates adjusted by an average of 3-4 weeks;

**WHEREAS** the parties to this action have met and conferred and have agreed that, in the interests of judicial economy and to conserve judicial and party resources, the Scheduling Order in this action should be modified to match the dates set forth in the schedule proposed for the Sirius Action, as follows:

Event	Scheduling Order Date	New [Proposed] Date
Last day to serve amended disclosure of asserted claims and preliminary infringement contentions (and related documents) for United States Patent No. 5,809,336 (“the ‘336 patent”)	April 19, 2010	April 30, 2010
Last day to serve amended invalidity contentions (and related documents)	June 3, 2010	June 30, 2010
Last day to exchange list of “Proposed terms and Claim Elements for Construction” for the ‘336 patent	June 25, 2010	July 23, 2010
Last day to exchange “Preliminary Claim Constructions and Extrinsic Evidence” for the ‘336 patent	June 25, 2010	August 30, 2010
Last day to file joint claim construction and pre-hearing statement	July 16, 2010	September 21, 2010
Claim construction discovery cut-off	August 13, 2010	October 19, 2010
Defendants’ opening claim construction brief	August 27, 2010	November 2, 2010

<b>Event</b>	<b>Scheduling Order Date</b>	<b>New [Proposed] Date</b>
Plaintiffs' responsive claim construction brief	September 10, 2010	November 30, 2010
Defendants' reply claim construction brief	September 17, 2010	December 14, 2010
Patent Technology Tutorial*	*If requested by the Court  Approximately 20 days after reply claim construction brief	*If requested by the Court  Approximately 20 days after reply claim construction brief
Claim construction hearing	To be determined	To be determined
Status conference	Three weeks after the claim construction hearing	Three weeks after the claim construction hearing
Final infringement contentions	30 days after the claim construction ruling	30 days after the claim construction ruling
Final invalidity contentions	50 days after the claim construction ruling	50 days after the claim construction ruling
Defendants to serve willfulness documents; opinion of counsel	50 days after the claim construction ruling	50 days after the claim construction ruling
Close of fact discovery	Six months after the final invalidity contentions	Six months after the final invalidity contentions
Initial expert reports	30 days after the close of fact discovery	30 days after the close of fact discovery
Rebuttal expert reports	30 days after the initial expert reports	30 days after the initial expert reports
Close of expert discovery	Two weeks after the rebuttal expert reports	Two weeks after the rebuttal expert reports
Trial	To be determined	To be determined

**THEREFORE**, the parties hereby respectfully request that the Court adopt the following schedule for this action:

Event	Date
Last day to serve amended disclosure of asserted claims and preliminary infringement contentions (and related documents) for United States Patent No. 5,809,336 (“the ‘336 patent”)	April 30, 2010
Last day to serve amended invalidity contentions (and related documents)	June 30, 2010
Last day to exchange list of “Proposed terms and Claim Elements for Construction” for the ‘336 patent	July 23, 2010
Last day to exchange “Preliminary Claim Constructions and Extrinsic Evidence” for the ‘336 patent	August 30, 2010
Last day to file joint claim construction and pre-hearing statement	September 21, 2010
Claim construction discovery cut-off	October 19, 2010
Defendants’ opening claim construction brief	November 2, 2010
Plaintiffs’ responsive claim construction brief	November 30, 2010
Defendants’ reply claim construction brief	December 14, 2010
Patent Technology Tutorial*	*If requested by the Court Approximately 20 days after reply claim construction brief
Claim construction hearing	To be determined
Status conference	Three weeks after the claim construction hearing
Final infringement contentions	30 days after the claim construction ruling
Final invalidity contentions	50 days after the claim construction ruling

Event	Date
Defendants to serve willfulness documents; opinion of counsel	50 days after the claim construction ruling
Close of fact discovery	Six months after the final invalidity contentions
Initial expert reports	30 days after the close of fact discovery
Rebuttal expert reports	30 days after the initial expert reports
Close of expert discovery	Two weeks after the rebuttal expert reports
Trial	To be determined

**IT IS HEREBY STIPULATED.**

Dated: April 30, 2010

K&amp;L GATES LLP

By: /s/ Timothy Walker  
 Timothy Walker

Attorneys for Plaintiffs ACER INC., ACER  
 AMERICA CORP., AND GATEWAY INC.

Dated: April 30, 2010

FARELLA BRAUN &amp; MARTEL LLP

By: /s/ John Cooper  
 John L. Cooper

Attorneys for Defendants  
 TECHNOLOGY PROPERTIES LIMITED  
 and ALLIACENSE LIMITED

1 Dated: April 30, 2010

KIRBY NOONAN LANCE & HOGE

2  
3 By: /s/ Charles Hoge

Charles T. Hoge

4 Attorneys for Defendants

5 PATRIOT SCIENTIFIC CORPORATION

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8 **PURSUANT TO STIPULATION IT IS SO ORDERED:**

9  
10 Dated: 5/6/10

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13 \_\_\_\_\_  
14 The Honorable Jeremy Fogel  
15 United States District Judge

16 **FILER'S ATTESTATION**

17 Pursuant to General Order No. 45, Section X, Subparagraph B, the undersigned attests that  
18 all parties have concurred in the filing of this STIPULATION AND [PROPOSED] AMENDED  
19 SCHEDULING ORDER.

20 DATED: April 30, 2010

K&L GATES LLP

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23 By: /s/ Timothy Walker  
24 Timothy Walker